



2872

Please type a plus sign (+) inside this box → ☐PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/836,685	
	Filing Date	April 17, 2001	
	First Named Inventor	Jefferson E. Odhner	
	Group Art Unit	2872	
	Examiner Name	Arnel C. Lavarias	
Total Number of Pages in This Submission	27	Attorney Docket Number	LUC 2-026-3

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	TECHNOLOGY CENTER 2800 DEC 27 2002 RECEIVED
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts	Remarks	
	copy of data sheet form 1449 with copy of publication	

05/09/2003 A DHNS01 00000008 3789 FR 153266853  
01 FC:1806 180.00 CH

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Diane E. Burke Mueller and Smith, LPA
Signature	<i>Diane E. Burke</i>
Date	December 16, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: December 16, 2002			
Typed or printed name	Jane Keeney	Date	December 16, 2002
Signature	<i>Jane Keeney</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on December 16, 2002 with the United States Postal Service as first class mail in an envelope addressed to:

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

  
Jane Keeney

**In The United States Patent and Trademark Office**

In re Application of )  
Jefferson E. Odhner )  
Serial No. 09/836,685 ) Examiner Arnel C. Lavarias  
Filed: April 17, 2001 ) Group Art Unit 2872  
For: Direction of Optical Signals by a )  
Movable Diffractive Optical Element )

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RECEIVED  
DEC 27 2002  
TECHNOLOGY CENTER 2800

**AMENDMENT AND RESPONSE**

Sir:

This paper is filed responsive to the Office action mailed September 16, 2002. With the present response, Applicants submit a newly discovered publication for the Examiner's review. The attached publication is an article entitled "Micromotor grating optical switch," which was recently uncovered by one of the inventors, Jefferson E. Odhner. The relevance of this reference to the amended claims is discussed in detail below.

**PRIORITY**

Applicants respectfully submit that the requirements of claiming domestic priority under 35 U.S.C. § 120 have been met. 37 C.F.R. 1.78(a)(2)(i) states that an nonprovisional application claiming benefit of a copending nonprovisional application must contain or be amended to contain a reference to the prior-filed application. Such reference must identify the prior-filed application by application or serial number and the relationship of the applications. Section 78(a)(2)(iii) further states that the reference required must be included in an application data sheet **OR** the specification must be amended to contain such reference in the first sentence following the title.

The present application is a continuation-in-part of earlier filed application Serial No. 09/372,316. Applicants complied with the requirements for claiming priority by including the appropriate reference to the prior application in the application data sheet submitted with the present application. For the convenience of the Examiner, a copy of the application data sheet is attached hereto.

With this response, Applicants have amended the first sentence following the title to include the priority reference. However, such amendment is made for the sake of clarification.